

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

**NOV 15 2013**

Clerk, U.S. District Court  
District Of Montana  
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN JOSEPH TAKES HORSE,

Defendant.

CR 09-71-BLG-DWM-CSO

ORDER

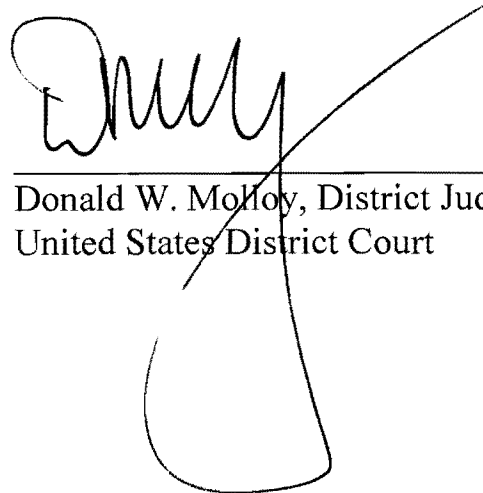
On October 31, 2013, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation with respect to the October 23, 2013 petition for revocation of Takes Horse's supervised release. (Docs. 52 and 60.) Although the parties were notified of their right to file objections to the Findings and Recommendation within 14 days, neither party filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite

and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on Takes Horse’s admissions to both of the alleged violations, Judge Ostby recommends supervised release be revoked. Judge Ostby further recommends this Court enter the proposed Judgment attached to her Findings and Recommendation (Doc. 60-1) and sentence Takes Horse to 18 months incarceration with no term of supervised release to follow.

Accordingly, IT IS ORDERED that Takes Horse’s supervised release is revoked. Judgment will be entered by separate document.

Dated this 15<sup>th</sup> day of November, 2013.



Donald W. Molloy, District Judge  
United States District Court